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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,381	09/25/2003	Charles E. Benedict	14308	3928

293 7590 10/05/2005

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EXAMINER

LAVINDER, JACK W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,381	Applicant(s) BENEDICT, CHARLES E.	
	Examiner Jack W. Lavinder	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 19, "the at least one release member lacks antecedence.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 16 and 17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bourguignon, 2941272.

Re claims 1, 16 and 17, Bourguignon discloses a buckle comprising

- a frame (20, 26, 28)
- a housing (10, 18)
- a latch plate (12, 14) having a pair of spaced locking tongs including hooked end portions (42, 46, figure 9)
- a latch plate receiving channel (34) with an opening to allow the latch plate to enter

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- biasing means (22) disposed between the pair of latching mechanisms for urging the latching mechanisms in opposite directions toward the first outer locking positions
- a release means (16) capable of moving the latching mechanisms simultaneously inwardly towards the central axis of the housing

wherein the biasing means urges the latching mechanisms toward the first locking positions with oppositely directed forces such that when one of the latching mechanisms is urged toward the second release position by a force, a simultaneous and equal increase in force is applied by the biasing means to retain the other latching mechanism in the first locking position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bourguignon in view of Van Riesen, 4809409.

Re claims 1, 2, 8 and 19, Bourguignon discloses a buckle comprising

- a frame (20, 26, 28)
- a housing (10, 18)
- a latch plate (12, 14) having a pair of spaced locking tongs including hooked end portions (42, 46, figure 9)

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- a latch plate receiving channel (34) with an opening to allow the latch plate to enter
- biasing means (22) disposed between the pair of latching mechanisms for urging the latching mechanisms in opposite directions toward the first outer locking positions
- a pair of buttons (16) capable of moving the latching mechanisms simultaneously inwardly towards the central axis of the housing

wherein the biasing means urges the latching mechanisms toward the first locking positions with oppositely directed forces such that when one of the latching mechanisms is urged toward the second release position by a force, a simultaneous and equal increase in force is applied by the biasing means to retain the other latching mechanism in the first locking position. Bourguignon fails to disclose a release means for simultaneously engaging and urging the push buttons toward one another.

Van Riesen discloses a release mechanism (28, 29) housed in the dome portion (figure 2) of a safety buckle for simultaneously engaging and urging a pair of latching mechanisms (18, 19) into their open position to release the latch plate (4, 5).

It would have been obvious to a person having ordinary skill in the art to use a single push button release means in place of Bourguignon's double push button release means in order to improve the ease of operating the buckle to remove the latch plate from the latch.

Re claim 3, Bourguignon discloses a housing (18) that extends slightly above the push buttons (16, see figures 1 and 3)

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7. Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Bourguignon in view of Lohr, 3605210.

Re claim 7, Lohr discloses a slide release member (64) having a pair of spaced projections (70, 72 see figures 2 and 3) and a push button (66).

8. Claims 9 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bourguignon in view of Lohr and Matoba, 5355562.

Re claim 9, Bourguignon in view of Lohr fails to disclose a tang disposed intermediate the locking tongs.

Matoba discloses a tang (38) positioned intermediate the locking tongs (18) to facilitate the ejection of the latch plate from the latch (col. 5, lines 40-end and col. 6, lines 1-12), which is capable of performing the intended functions set forth in the claim.

It would have been obvious to a person of ordinary skill in the art to add a tang to Bourguignon's device in order to facilitate the removal of the latch plate from the buckle when the release member is engaged to release the latch plate from the buckle.

Re claim 10, Bourguignon discloses a pair of spaced blocks (blocks are being engaged by 30 in figure 2) defining the guide channel and a means for engaging the guide blocks (30) on the slide block.

9. Claims 11 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bourguignon in view of Lohr and Matoba and further in view of Clarke, 2153077.

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Re claim 11, Bourguignon is applied as set forth above, but fails to disclose an outer tapered face which is engageable by one of the locking tongs when the latching mechanism is in the first locking position, wherein the tapered face terminates at a lock dog for engaging the hooked end portion of the locking tong.

Clarke discloses the use of angled and tapered faces between a latch plate and a locking tong (see angled/tapered surfaces around 15 and 31 in figure 1).

It would have been obvious to a person having ordinary skill in the art to modify Bourguignon's hooked end (46) and locking dog (58) to have complimentary tapered/angled faces to increase the locking force between the dog and the hooked end.

Re claim 12, Bourguignon discloses a pair of spaced blocks (blocks are being engaged by 30 in figure 2) defining the guide channel and a means for engaging the guide blocks (30) on the slide block.

10. Claims 4-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bourguignon in view of Clarke, 2153077.

Re claim 4, Bourguignon is applied as set forth above, but fails to disclose an outer tapered face which is engageable by one of the locking tongs when the latching mechanism is in the first locking position, wherein the tapered face terminates at a lock dog for engaging the hooked end portion of the locking tong.

Clarke discloses the use of angled and tapered faces between a latch plate and a locking tong (see angled/tapered surfaces around 15 and 31 in figure 1).

It would have been obvious to a person having ordinary skill in the art to modify Bourguignon's hooked end (46) and locking dog (58) to have complimentary tapered/angled faces to increase the locking force between the dog and the hooked end.

Re claim 5, Bourguignon discloses a pair of spaced blocks (blocks are being engaged by 30 in figure 2) defining the guide channel and a means for engaging the guide blocks (30) on the slide block.

Re claim 6, Bourguignon discloses a pair of opposing sidewalls defining opposing channels for receiving the locking tongs (34, figure 2) therein when the latch plate is inserted within the opening in the housing.

Allowable Subject Matter

11. Claims 13-15 and 20 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677

10/1/05